

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of

Rates for Interstate Inmate Calling Services

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WC Docket No. 12-375

**REPLY COMMENTS OF THE  
NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES  
ON ICS EXTRA FEES**

The National Association of State Utility Consumer Advocates (“NASUCA”) provides these reply comments in response to the few comments filed on the Federal Communications Commission (“FCC” or “Commission”) Public Notice seeking “additional comment on certain fees related to inmate calling services (ICS),” such as “account set up fees, account replenishment fees, account refund fees, and account inactivity fees (Ancillary ICS Fee).”<sup>1</sup> NASUCA’s initial comments had emphasized two points:

- **First**, that the record already contains much data on Ancillary ICS Fees. What the record does not contain is data on the “cost[s] of providing the service for which the fee recovers....”
- **Second**, that if the providers fail to submit this cost data — which is basically in their sole possession — the FCC would be entitled to, and should, construe that failure against the providers. This would lead to a long-overdue order reducing the price — to inmates and to their families and friends “on the outside” — of inmates’ calls.<sup>2</sup>

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<sup>1</sup> DA 13-1445 (rel. June 26, 2013).

<sup>2</sup> NASUCA Comments at 2 (footnotes omitted).

The few filed comments from industry confirm NASUCA's view.

For example, PayTel asserts that its fees are reasonable, and questions those charged by other providers.<sup>3</sup> But PayTel presents only limited information on its own costs: a single chart containing only a single total average cost.<sup>4</sup> This does very little to support PayTel's own fee proposals.<sup>5</sup>

Network Communications International Corp. ("NCIC") purports to identify many of its cost components,<sup>6</sup> but fails to quantify those costs. That does not respond to the Commission's request for information.

Global Tel\*Link Corporation ("GTL") devotes its comments to arguments about why the Commission should not regulate ICS, rather than providing the information requested. These arguments have already been addressed.

Some industry commenters address issues that are important but on the periphery of the inmate calling concerns addressed by NASUCA, such as MSS's discussion of the need to block cellphones within correctional facilities.<sup>7</sup> And JLG seeks to have the Commission recognize – and monetize – the costs to society in general from allowing inmate calling:

We believe this white paper shines an important light on the public safety issues associated with inmate phones. We trust that now that the FCC has been provided with detailed information into some of the key public safety aspects of inmate phone calling, that the FCC will also take into account the safety of the crime victims, the witnesses, the jurors, the public servants and other vulnerable populations, as well as all of their loved ones — in addition to the safety of the general public.<sup>8</sup>

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<sup>3</sup> Comments of Pay Tel Communications, Inc. ("Pay Tel") at 1-4.

<sup>4</sup> Id. at 8.

<sup>5</sup> Id. at 6.

<sup>6</sup> NCIC Comments at 3-8.

<sup>7</sup> See generally, Comments of Marcus Spectrum Solutions ("MSS"); see also NCIC Comments at 6-7.

<sup>8</sup> Comments of JLG Technologies, LLC, White Paper at 11.

JLG's solution is, apparently, for all facilities to use its technology. As with MSS, JLG's comments are off-point.<sup>9</sup> If a facility uses JLG's technology to protect the general public, then it must seek funding, but it should not be predetermined that those costs should be loaded onto the cost of individual calls.<sup>10</sup>

Comments from prisoner advocacy groups add further information on the level of ICS fees charged by ICS providers,<sup>11</sup> but of course cannot supply data on the providers' cost. As asserted by NASUCA in its initial comments, now is the time for the Commission to act. The failure of the ICS providers to meaningfully respond to the Commission's inquiries should be viewed as the basis for FCC action to reduce ICS fees (and rates generally).

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<sup>9</sup> See DA 13-1445.

<sup>10</sup> And thence onto inmates and the inmates families and friends.

<sup>11</sup> See Petitioners' Comments.